THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9488 OF 1995

8th AUGUST, 2006

BETWEEN

Kesu Mohana Lakshmi

… Petitioner

vs.

The Mandal Revenue Officer, Gudur, Gudur Mandal, Nellore District and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9488 OF 1995

ORDER:

The petitioner is resident of Thurpu Gudur of Gudur Mandal. He is in occupation of Acs.0.10 cents of Road Poramboke land in survey No.741-A where he is storing the logs belonging to his saw mill, which is in patta land. On 27.04.1995, the first respondent issued notice directing the petitioner to vacate the land within five days. Aggrieved by the same, present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (Assignment).

There cannot be any dispute that the impugned order cannot be sustained. Even if the petitioner is in occupation of the Government land, he can only be evicted in accordance with law as contemplated under A.P.Land Encroachment Act, 1905 (the Act, for brevity). Therefore, unless and until prior notice under Section 7 of the Act is given calling upon the petitioner to show cause as to why he should not be evicted from the encroachment, an order cannot be passed directly. Therefore, the writ petition is allowed giving liberty to the first

respondent to issue notice under Section 7 of the Act and take further action in accordance with law.

The writ petition is accordingly allowed. No costs.

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(V.V.S.RAO,J)

08.08.2006
pln